

Response under 37 C.F.R. §1.114
Application No. 10/552,152
Attorney Docket No. 053170

REMARKS

Claims 1-8 are pending in this application. No amendment has been made in this Response.

(1) The Applicants herewith submit an Information Disclosure Statement listing the references cited in a counterpart Japanese application. The Examiner is requested to consider these references, and return the Form PTO/SB/08 with signature.

(2) Claims 1-8 were rejected under 35 U.S.C. §102(e) as being anticipated by Hosakawa et al. (U.S. Patent No. 6,703,451).

The invention of claim 1 is directed to a water-absorbing resin compound, which comprises a water-absorbent resin and an antibacterial agent having a porous material incorporating an antibacterial metal. The water-absorbent resin is a component different from the porous material. As clearly recited in claim 1, the porous material incorporates the antibacterial metal. For example, the porous material is described at page 5, lines 6-17, but not limited thereto. A silver-zeolite antibacterial agent is exemplified as a porous material incorporating an antibacterial metal in Example 1 at page 9.

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The Examiner rejects claim 1 by alleging that Hosokawa et al. teach a water-absorbing resin compound, which comprises....an antibacterial agent having a porous material incorporating an antibacterial metal in the form of titanium or zirconium.

However, Hosokawa et al. do not disclose any porous material incorporating the disclosed metal (titanium, zirconium, zinc, etc.) in col. 3, lines 34-58. Hosokawa et al. disclose the three methods (1) to (3) for producing the superabsorbent resin composition at col. 9, line 56 to col. 10, line 9, but Hosokawa et al. do not disclose any step to have “a porous material incorporating a metal.” In Examples 1-11 (cols. 13-14), Hosokawa et al. disclose that the superabsorbent resin was merely mixed with the metal compound and the chelating agent (col. 13, lines 52-60; and col. 14, lines 13-20).

In this respect, the Examiner might have considered that the claimed porous material corresponds to the compound (B) in Hosokawa et al. because the Examiner mentions col. 5, lines 11-13 for rejecting claim 3. However, Hosokawa et al. teach that compounds (B-1) and (B-2) are preferably used in the form of a solution (col. 5, lines 7-11); and that “the metal compound solution preferably has a metal A content of 0.05 to 5% by weight, particularly 0.2 to 2% by weight (col. 5, lines 11-13). Thus, the compound (B) is not a porous material.

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In Synthetic Examples 3-6, Hosokawa et al. prepared Metal Compounds (5)-(8) in the form of a solution (Synthetic Examples 3, 4 and 6) or in the form of powder (Synthetic Example 5), which were added to the superabsorbent resin, and the mixture was thoroughly stirred (col. 13, lines 52-59). These processes disclosed by Hosokawa et al. do not make the compound (B) porous.

Thus, Hosokawa et al. do not disclose any “porous material” as well as any “porous material incorporating a metal” as recited in claim 1. The rejection of claim 1 under 35 U.S.C. §102(e) is not supported by Hosokawa et al. Reconsideration of the rejection is respectfully requested.


(3) In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned representative at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

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If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP


Shuji Yoshizaki
Limited Recognition
Registration No. L0111
Telephone: (202) 822-1100
Facsimile: (202) 822-1111

SY/mt
Attachment: Limited Recognition

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